

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 89-077

UPDATED WASTE DISCHARGE
REQUIREMENTS FOR:

ACME FILL CORPORATION
ACME SOLID WASTE DISPOSAL SITE
MARTINEZ, CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

1. Acme Fill Corporation, hereinafter called the discharger, owns and operates the Acme Sanitary Landfill. The landfill site is located near Martinez, Contra Costa County, immediately southwest of the congruence of Waterfront Road and Walnut Creek, about 1 mile east of the intersection of Interstate I-680 and Waterfront Road as shown on Attachment A.
2. The site consists of three units:
 - a. North Parcel: Currently designated Class II-1. Permitted to accept municipal waste and limited quantities and types of hazardous and designated wastes.
 - b. South Parcel: Currently designated Class II-1. Permitted to accept municipal waste and limited quantities and types of hazardous and designated wastes
 - c. East Parcel: Currently designated Class II-2. Permitted to accept municipal wastes..
3. The regulatory history for issuance of Waste Discharge Requirements at this facility by the Board is as follows:
 - a) On April 20, 1976, the Board adopted Order No. 76-36 which authorized disposal in the North and South Parcels and prohibited disposal of wastes onto what is now known as the East Parcel.
 - b) On April 18, 1984, the Board adopted NPDES permit CAD0028754, Order No. 84-18 which authorized expansion for a Class II-2 landfill into the wetland areas of the East Parcel and included requirements for discharge to surface or groundwaters.
 - c) On August 17, 1988, the Board adopted Order No. 88-135 prohibiting an additional proposed expansion of the landfill into wetland areas.
4. The present revisions to Subchapter 15, Title 23 of the California Code of Regulations became applicable in its entirety on November 1984. Subchapter 15 regulations require the following, as applicable to this Order, for the Acme Landfill site:

o Subsection 2510(d) states in part that: "Dischargers shall continue to operate existing waste management units under existing classifications and waste discharge requirements until those classifications and requirements are reviewed in accordance with Subsection 2591(c) of this subchapter".

o Subsection 2591(c) states in part that: "Waste management unit classifications and waste discharge requirements for existing units shall be fully reviewed in accordance with schedules established by regional boards. In no instance shall such review be beyond five years of the effective date of this section. The waste discharge requirements shall be revised to incorporate reclassification and retrofitting requirements as provided in Subsections 2510(e) and 2530(b) of this subchapter, as well as the revised monitoring program developed under Subsection 2590(b) (1) of this article."

o Subsection 2510(e) states in part that: "Existing waste management units shall be reclassified according to the geologic siting criteria in Article 3 of this Subchapter..."

o Subsection 2530(b) states that: "Existing waste management units shall be reclassified according to applicable criteria in this article provided that such units: (1) comply with siting criteria for each category of existing units in Sections 2531, 2532 and 2533 of this article, and summarized in Table 3.1 of this article, and (2) are operating in compliance with Subsection 2510(d) of this subchapter."

5. The National Enforcement Investigations Center's (NEIC) Hazardous Waste Ground Water Task Force released an 'Evaluation of Acme Fill Corporation' on 18 July 1988. The results of the Task Force sampling and monitoring data evaluation for the North Parcel indicate that the landfill is leaking hazardous waste constituents to the ground water.
6. The California Department of Health Services entered into an administrative consent order and judicial consent order with Acme Landfill Corporation on 23 July, 1987. The consent order(s) required detailed hydrogeologic assessments requiring submittal to and approval by this RWQCB. This investigative program is presently in progress.
8. The three parcels were constructed prior to the adoption of Subchapter 15 (1984) regulations. As a result, the three parcels do not meet all of the siting criteria applicable to newly constructed or new expansions to existing facilities. Specifically, one or several of the following requirements are not met: 1) the sites do not meet the five-foot separation requirements ((2530(c)); (2) engineered alternatives were not utilized to meet the separation requirement; and (3) the sites are not in compliance with the appropriate offsets or construction standards to withstand the maximum credible earthquake. Further studies are needed to determine the appropriate means of closing these units.

8. The classifications for these parcels shall henceforth be:

North Parcel: Class III
South Parcel: Class III
East Parcel: Class III

9. Staff of the Regional Board conditionally approved a closure plan for the North Parcel in a letter to the California Department of Health Services on 22 September 1988. The approval was conditional in that the Board reserved the right to require modifications to the closure plan if hydrogeologic investigations presently in progress disclosed that additional containment and/or monitoring measures were needed to protect water quality.
10. Final closure requirements and post closure monitoring requirements for the North, East and South Parcels shall be determined following completion of hydrogeologic studies noted in finding 6 above.
11. A temporary transfer station has been placed on the East Parcel. At this time, the utilization of this facility does not pose a threat to the environment or water quality. Complete removal of the facility, with backfilling of the excavated areas, will be required prior to placement of the final cap at the time of closure.
12. The actual and potential beneficial uses for Pacheco and Walnut Creeks are:
- * Water contact recreation
 - * Non-contact water recreation
 - * Warm fresh water habitat
 - * Cold fresh water habitat
 - * Wildlife habitat
 - * Fish migration
 - * Fish spawning
13. The actual and potential beneficial uses of local ground waters are:
- * Industrial process water
 - * Industrial service supply
 - * Agricultural supply
14. The action to update Waste Discharge Requirements for these waste management units is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Title 14, California Code of Regulations, Section 15301.
15. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986 and the State Water Resources Control Board approved it on May 21, 1987. The provisions of this order are consistent with the revised Basin Plan.
16. The Board has notified the discharger and interested parties and agencies of its intent to prescribe updated waste discharge requirements for this facility.

17. The Board, in a public hearing, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that Acme Fill Corporation, and any other persons that currently or in the future own this land or operate this facility, shall meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and shall also comply with the following:

A. PROHIBITIONS

1. The disposal of waste shall not create a pollution or nuisance as defined in Section 13050 (1) and (m) of the California Water Code.
2. Wastes or waste products/constituents shall not be placed in or allowed to contact ponded water from any source whatsoever.
3. Wastes or waste products/constituents shall not be disposed of in any position where they can be carried from the disposal site and discharged into waters of the State or of the United States.
4. Hazardous and designated wastes as defined in Sections 2521 and 2522 of Subchapter 15, and high moisture content wastes including sewage sludge, septic tank waste, restaurant grease, and wastes containing less than 50% solids, shall not be deposited or stored at this site.
5. The discharger, or any future owner or operator of this site, shall not cause the following conditions to exist in waters of the State at any place outside the waste management facility:
 - a. Surface Waters
 1. Floating, suspended, or deposited macroscopic particulate matter or foam.
 2. Bottom deposits or aquatic growth.
 3. Alteration of temperature, turbidity, or apparent color beyond natural background levels.
 4. Visible, floating, suspended or deposited oil or other products of petroleum origin.
 5. Toxic or other deleterious substances to be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.
 - b. Ground Water
 1. The ground water shall not be degraded as a result of the

waste disposal operations.

6. Leachate from wastes and ponded water containing leachate or in contact with refuse shall not be discharged to waters of the State or the United States.

B. SPECIFICATIONS


1. Water used during disposal operations shall be limited to a minimal amount necessary for dust control and fire suppression.
2. The site shall be protected from any washout or erosion of wastes or covering material and from inundation which could occur as a result of a 100 year 24 hour precipitation event, or as the result of flooding with a return frequency of 100 years.
3. Subsurface drainage and surface drainage from tributary areas, and within the internal site, shall not contact or percolate through wastes during disposal operations or during the life of the site. Surface drainage ditches shall be constructed to ensure that all rainwater is diverted off-site and does not contact wastes or leachate.
4. As portions of the landfill are closed, the exterior surfaces shall be graded to a minimum slope of three percent in order to promote lateral runoff of precipitation. In addition, all completed disposal areas shall be covered with a minimum of 4 feet of cover and meet other applicable requirements, including maintenance requirements, as described in Article 8 of Subchapter 15.
5. Pursuant to Section 2580(d) of Subchapter 15, the discharger shall provide a minimum of two surveyed permanent monuments on or near the landfill from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure maintenance period. These monuments shall be installed by a licensed land surveyor or registered civil engineer.
6. The discharger shall establish an irrevocable closure fund, pursuant to Section 2580(f) of Subchapter 15, that will provide sufficient funds to properly close each area of the landfill and for the post-closure monitoring and maintenance of the site. For the purposes of planning the amount of this fund the discharger shall assume a post-closure period of at least 30 years. The discharger shall provide an evaluation of closure and post closure monitoring and maintenance costs. The actual post-closure period will extend indefinitely until a determination can be made that the facility is no longer a threat to water quality.
7. The hydrogeology and ground water flow patterns at the site have not been adequately defined by the discharger, As a result, the existing detection monitoring program will be revised pursuant to Article 5 of Subchapter 15. The discharger shall provide any additional information and data necessary for development of a revised ground water monitoring program.

C. PROVISIONS

1. The discharger shall comply with Prohibition A.4. by August 18, 1989.
2. The discharger shall submit, by November 1, 1989, a revised closure plan for the East and South Parcels which will include, at a minimum, the following:
 - a. a quality assurance/quality control program for construction of the final cover;
 - b. proposed final grades;
 - c. documentation of compliance with Specification B.4, B.5, and B.6, or a time schedule for achieving compliance;
 - d. a detailed time schedule for closure of all portions of the landfill;
 - e. detailed plans and schedules for removal and backfilling of the interim transfer station presently located on the East Parcel.
3. The discharger shall submit, by May 30, 1989, a detailed time schedule for the completion of hydrogeologic investigations referenced in Finding 6.
4. The discharger shall submit, within 90 days after the closure of any portion of the landfill, a closure certification report, appropriately signed, that documents that the area has been closed according to the requirements of this Order and Subchapter 15.
5. The discharger shall submit, by January 19, 1990, a revised proposal for groundwater monitoring for the entire site.
6. The discharger shall file with the Board quarterly self-monitoring reports performed according to any self-monitoring program issued by the Executive Officer.
7. All reports prepared pursuant to these Provisions shall be prepared under the supervision of a registered civil engineer, registered geologist where applicable, or a certified engineering geologist.
8. The discharger shall remove and relocate any wastes which are discharged at this site in violation of these requirements.
9. The discharger shall file with this Board a report of any material change or proposed change in the character, location, or quantity of this waste discharge. For the purpose of these requirements, this includes any proposed change in the boundaries of the disposal areas or the ownership of the site.

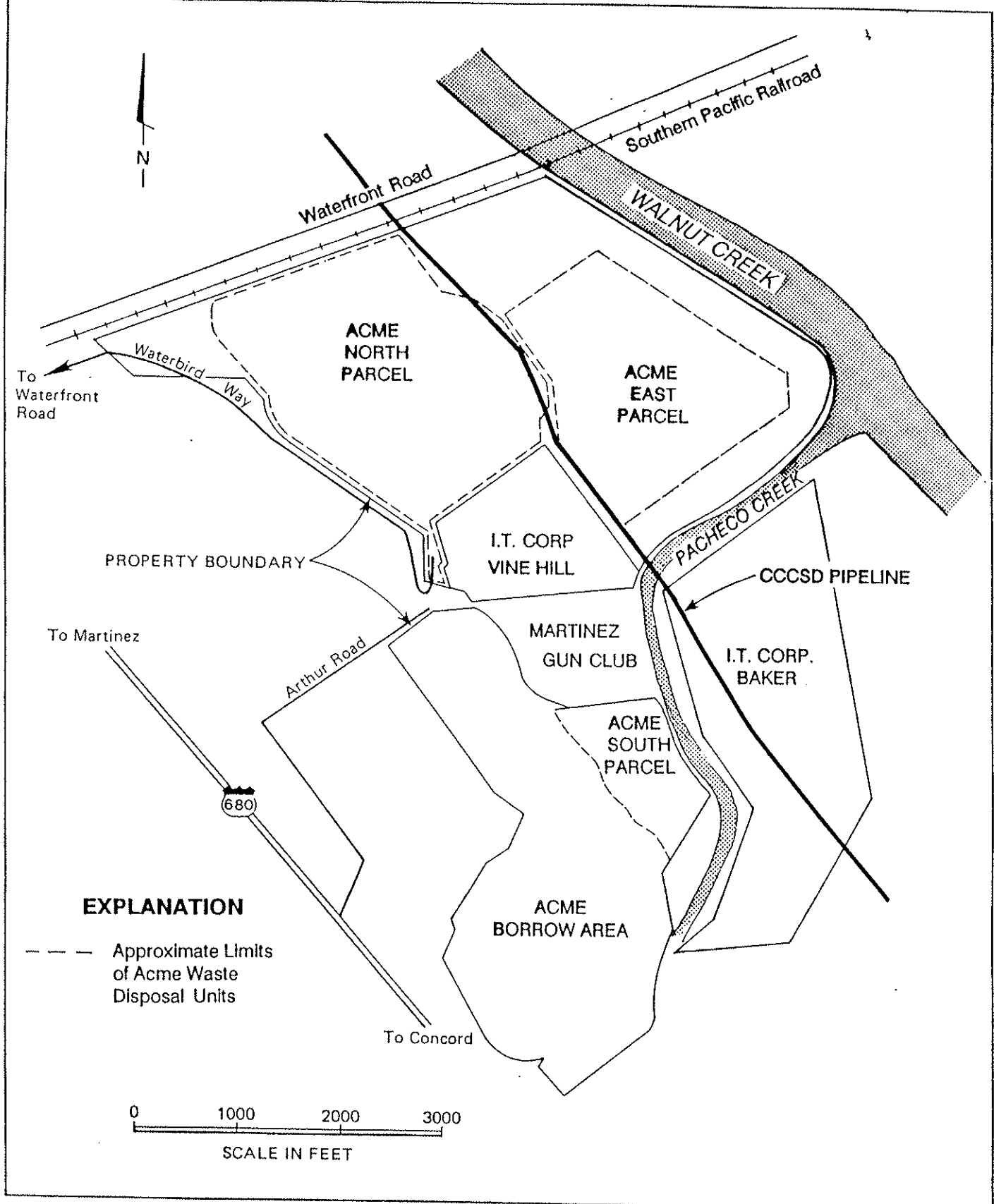
10. The discharger shall maintain a copy of this Order at the site so as to be available at all times to site operating personnel.
11. The Board considers the property owner and site operator to have continuing responsibility for correcting any problems which arise in the future as a result of this waste discharge or related operations.
12. The discharger shall maintain all devices or designed features installed in accordance with this Order such that they continue to operate as intended without interruption except as a result of failures which could not have been reasonably foreseen or prevented by the discharger.
13. The discharger shall permit the Board or its authorized representative, upon presentation of credentials:
 - a. Entry upon the premises on which wastes are located or in which any required records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this Order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring methods in use at the facility.
 - d. Sampling of any discharge or ground water covered by this Order.
14. This Board's Order Nos. 76-36 and 84-18 are hereby rescinded.
15. These requirements do not authorize commission of any act causing injury to the property of another or of the public; do not convey any property rights; do not remove liability under federal, state or local laws; and do not authorize the discharge of wastes without appropriate permits from other agencies or organizations.
16. This Order is subject to Board review and updating, as necessary, to comply with changing State or Federal laws, regulations, policies, or guidelines; changes in the Board's Basin Plan; or changes in the discharge characteristics, in five year increments from the effective date of this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 17, 1989.



Steven R. Ritchie
Executive Officer

Attachment: A) Site Location map



Site Location Map
Acme Landfill
Contra Costa County
Martinez, California